

WILLIAM LEWIS.

MAY 25, 1842.

Read, and laid upon the table.

Mr. HALL, from the Committee on Revolutionary Claims, submitted the following

REPORT :

*The Committee on Revolutionary Claims, to which has been recommitted the petition of the widow and children of William Lewis, deceased, submit the following additional report :*

The petitioners allege that William Lewis was a lieutenant in the Virginia line of the continental army, and died in the service ; and they claim the seven years' half pay under the resolution of Congress of August 24, 1780.

The petition was presented at the commencement of the session, and, on the 6th of January last, an unfavorable report was made upon it. The petition stated that William Lewis was a lieutenant of the 1st Virginia regiment, in a company commanded by Captain Fleming, and that, after serving several years, he died in the service. On examination of the rolls of the Virginia line, in possession of the committee, it was found that there was an officer of the 1st regiment by the name of William Lewis, who was commissioned lieutenant in Captain John Fleming's company, on the 27th of January, 1776. On tracing for the service of this officer through the different rolls of the said line, it was found that he was promoted to a captaincy in the said regiment August 6, 1776, and to a majority May 12, 1779, and deranged as a supernumerary major at the Wincester arrangement, January 1, 1783 ; that he was returned as entitled to land and commutation, as a major, and received both soon after the close of the war. On the most thorough search of the rolls, it could not be found that there was any other officer of the name of William Lewis in service in the first or any other regiment of the Virginia line, at any period of the war. As it was evident that the William Lewis whose services in Captain Fleming's company of the 1st regiment had been described in the petition was the same officer who had served through the whole war, and had, in consequence thereof, received land and commutation, the suspicion was naturally excited that an imposition upon Congress had been attempted, and that there was a design in the heirs of Major Lewis, or those prosecuting the claim for them, by representing him to have died in the service, to obtain the benefit of the seven years' half pay, in addition to the commutation which had already been received. This suspicion was not removed by the parol evidence which was before the committee when the former re-

port was adopted. Lucy Marks, the widow, indeed, testified that her former husband, William Lewis, was an officer in the Virginia continental line; that he died in the service on the 14th of November, 1779; and that she was married to her second husband, John Marks, May 13, 1780; but, in seeming contradiction to this, Richard Spencer, whose affidavit was produced, testified that he knew Lieutenant William Lewis, of the Virginia continental line, and that he died in the service; that he did not recollect the year of his death, but that "it took place shortly after the siege of York, in Virginia." The siege of York was in October, 1781, and, of course, if this witness was to be credited, the time of the death of William Lewis had been erroneously stated by the widow. This was all the evidence produced by the claimants of the time of the death of William Lewis; but there was an affidavit of General Robert Porterfield on file with a petition of the representatives of Captain John Marks, then pending before the committee, which appeared still further to strengthen the supposition that the William Lewis of whom Lucy Marks claimed to be the widow had not died in the service, but had served through the war. General Porterfield testified to the service of Captain John Marks; and that "the said Captain John Marks married, in the county of Albermarle, the widow of William Lewis, *after the close of the war.*" Under these circumstances, the committee reported against the claim, and made some remarks tending to throw a suspicion on the character of the claim, and the fairness of the motives of those who might have been concerned in prosecuting it.

Since the papers have been recommitted, a variety of additional testimony has been produced, from which the committee are satisfied that the William Lewis of whom Lucy Marks was the widow was not the Major William Lewis who originally belonged to Captain Fleming's company, and who served through the war, but another William Lewis. They are also satisfied that Richard Spencer and General Porterfield were mistaken in the time of the death of William Lewis and the second marriage of the widow, and they see no reason to doubt that the dates of both are correctly stated in the widow's affidavit. The petitioners were evidently mistaken in supposing the officer under whom they claimed to have belonged to Captain Fleming's company of the 1st regiment; but, under the new view of the case, presented by the additional evidence, all suspicion against the fair character of the transaction seems fully removed, and the committee take pleasure in recalling, as they now do, every thing that was said in their former report which might be construed to impute improper conduct or motives to any person whatever concerned in the prosecution of the claim.

The question now returns as to the right of the claimants to the seven years' half pay under the resolution of August 24, 1780. The widow, Lucy Marks, says in her affidavit, taken June 9, 1835, that "William Lewis, her former husband, was an officer in the Virginia continental line in the war of the Revolution; that he entered said service and was at Yorktown during the service, and was taken sick and died, during said service, on the 14th of November, 1779." Benjamin Spiller, on the 8th of June, 1835, says he was a "regular soldier in the war of the Revolution; that he knew Lieut. William Lewis, of the Virginia line, on continental establishment; that he entered the service in the said war of the

Revolution, and that whilst in said service he died; that he does not recollect the year in which he died, but that it took place shortly after the siege of York." There is also filed in the case a paper purporting to be an original, and testified by William D. Merriwether to have been found among the old papers belonging to the estate of the late William Lewis; which paper is in the following words, viz:

"This to certify that Capt. Nich's Lewis, and his two sub., William Lewis, lieut., and John Henderson, ensign, has drawn no rations from me but what they have paid for.

"THOS. PORTER.

"JULY 17, 1776."

This is all the evidence produced showing the service of William Lewis. The committee think it altogether insufficient to justify the allowance of a large claim against the Government. The widow does not even state the rank of her husband, and Benjamin Spiller states it only by way of recital, without a positive averment that he held any rank; and neither of them mentions the regiment or corps to which he belonged, or name any of his officers, by which the accuracy of their statements might be ascertained. The certificate of Thos. Porter is wholly unsatisfactory, as the service in which it would seem from it that William Lewis was engaged in July, 1776, might very well have been in the militia; which, from the circumstance that neither the name of Capt. Nicholas Lewis, nor Lt. William Lewis, nor Ensign John Henderson, is found on any of the rolls of the Virginia line, and that neither of them appears to have received any pay from Virginia under the act of November, 1781, was, in all probability, the case. If William Lewis, under whom the petitioners claim, belonged at any time to the continental army, he must have served either as a non-commissioned officer, or in some staff capacity not entitling him or his widow to the half pay; for, if he had been an officer of the line, it is not to be credited that all the rolls and records would have been silent in regard to his services.

The committee recommend that the claim be rejected.

